# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, Inc., a Delaware corporation,

Defendant.

TEVA PHARMACEUTICALS USA, Inc., a Delaware corporation, and TEVA PHARMACEUTICAL INDUSTRIES LTD., an Israeli corporation, and NOVOPHARM, LTD.,

Counterclaim Plaintiffs,

v

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,

Counterclaim Defendants.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs.

V.

IMPAX LABORATORIES, INC, a Delaware corporation,

Defendant.

Civil Action No. 02-1512-\*\*\*
(consolidated)

Civil Action No.: 03-120-\*\*\*
(Consolidated)

IMPAX LABORATORIES, INC, a Delaware corporation,

Counterclaim Plaintiffs,

٧.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,

Counterclaim Defendants.

IN RE TRICOR DIRECT PURCHASER ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

IN RE TRICOR INDIRECT PURCHASER ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Civil Action No. 05-340-\*\*\*
(consolidated)

Civil Action No. 05-360-\*\*\*

(consolidated)

## **NOTICE OF SERVICE**

PLEASE TAKE NOTICE that copies of the Expert Report of Dr. James McGinity were served on April 18, 2007 upon the following counsel of record in the manner indicated below:

#### VIA ELECTRONIC MAIL

Josy W. Ingersoll John W. Shaw Karen Keller Young Conaway Stargatt & Taylor, LLP The Brandywine Building 1000 West Street, 17th Floor P.O. Box 391 Wilmington, Delaware 19899-0391

Jeffrey S. Goddess Rosenthal, Monhait, Gross & Goddess, P.A. 919 Market Street, Suite 1401 P.O. Box 1070 Wilmington, DE 19899-1070 Tel. (302) 656-4433 Fax. (302) 658-7567

Jonathan L. Parshall Murphy Spadaro & Landon 1011 Centre Road, Suite 210 Wilmington, DE 19801

Michael I. Silverman Lynn A. Iannone Silverman & McDonald 1010 North Bancroft Parkway Suite 22 Wilmington, DE 19805

Mary B. Graham Morris Nichols, Arsht & Tunnell 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899

Mary B. Matterer Morris, James, Hitchens & Williams 222 Delaware Avenue, 10th Floor Wilmington, DE 19801

Pamela S. Tikellis Robert J. Kriner, Jr. A. Zachary Naylor Chimicles & Tikellis LLP One Rodney Square P.O. Box 1035 Wilmington, DE 19899

Elizabeth M. McGeever Prickett Jones Elliott, P.A. 1310 King Street Wilmington, DE 19801

Patrick Francis Morris Morris & Morris 1105 North Market Street Suite 803 Wilmington, DE 19801

#### VIA ELECTRONIC MAIL

REPRESENTING DIRECT PARTY PLAINTIFFS (C.A. 05-340):

Jeffrey S. Goddess igoddess@rmgglaw.com

Bruce E. Gerstein

bgerstein@garwingerstein.com

Barry S. Taus

btaus@garwingerstein.com

Adam M. Steinfeld

asteinfeld@garwingerstein.com

Daniel Berger danberger@bm.net

Eric L. Cramer ecramer@bm.net

Peter Kohn pkohn@bm.net

Linda P. Nussbaum Inussbaum@cmht.com

Steig D. Olson solson@cmht.com

REPRESENTING WALGREEN, ECKERD, KROGER, MAXI, CVS, RITE AID (C.A. 05-340):

Elizabeth M. McGeever emmcgeever@prickett.com

Scott E. Perwin

sperwin@kennynachwalter.com

Joseph T. Lukens

jlukens@hangley.com

REPRESENTING PACIFICARE (C.A. 05-340):

Jonathan L. Parshall jonp@msllaw.com

William Christopher Carmody bcarmody@susmangodfrey.com

John Turner:

jturner@susmangodfrey.com

Shawn Rabin:

srabin@susmangodfrey.com

Justin Nelson:

jnelson@susmangodfrey.com

Cindy Tijerina:

ctijerina@susmangodfrey.com

Ken Zylstra:

kzylstra@sbclasslaw.com

Lyle Stamps:

lstamps@sbclasslaw.com

Steve Connolly

Sconnolly@abclasslaw.com

Mark Sandman:

mms@rawlingsandassociates.com

Jeffrey Swann:

js5@rawlingsandassociates.com

REPRESENTING INDIRECT PARTY PLAINTIFFS

(C.A. 05-360):

Pamela S. Tikellis Thomas M. Sobol Patrick E. Cafferty Jeffrey L. Kodroff Bernard J. Persky William C. Carmody

Mike Gottsch Zach Naylor Robert Davis Brian Clobes Michael Tarringer

Tim Fraser David Nalven Greg Matthews

Christopher McDonald

Kellie Safar Ted Lieverman Pat Howard

Tricor@chimicles.com

REPRESENTING IMPAX LABORATORIES

(C.A. 03-120):

Mary Matterer

mmatterer@morrisjames.com

John C. Vetter

jvetter@kenyon.com

Asim Bhansali

abhansali@kvn.com

REPRESENTING TEVA PHARMACEUTICALS

(C.A. 02-1512):

Josy W. Ingersoll Bruce M. Gagala

Karen E. Keller

Christopher T. Holding

Ken Cohen Elaine Blais

tricor@yest.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham Tricor@mnat.com

William F. Cavanaugh wfcavanaugh@pbwt.com

Chad J. Peterman

# cjpeterman@pbwt.com

Of Counsel.
Steven C. Sunshine
Tara L. Reinhart
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7000

Matthew P. Hendrickson Bradley J. Demuth Skadden, Arps, Slate, Meagher & Flom LLP 4 Times Square New York, NY 10036 (212) 735-3000

Timothy C. Bickham Steptoe & Johnson LLP 1330 Connecticut Avenue, N.W. Washington, DC 20036-1795 (202) 429-5517

William Baer, Esquire Anne P. Davis, Esquire James Cooper, Esquire Charles D. Ossola, Esquire Arnold & Porter LLP 555 Twelfth Street, NW Washington, DC 20004-1206 (202)-942-5000

Dated: April 20, 2007

Frederick L. Cottrell, III (#2555) Anne Shea Gaza (#4093) Richards, Layton & Finger, P.A. P.O. Box 551 One Rodney Square Wilmington, DE 19899

(302) 651-7700 Cottrell@rlf.com Gaza@rlf.com

Attorneys for Fournier Industrie Et Santé and Laboratoires Fournier, S.A.

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2007, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Josy W. Ingersoll
John W. Shaw
Karen Keller
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391

Jeffrey S. Goddess Rosenthal, Monhait, Gross & Goddess, P.A. 919 Market Street, Suite 1401 P.O. Box 1070 Wilmington, DE 19899-1070 Tel. (302) 656-4433 Fax. (302) 658-7567

Jonathan L. Parshall Murphy Spadaro & Landon 1011 Centre Road, Suite 210 Wilmington, DE 19801

Michael I. Silverman Lynn A. Iannone Silverman & McDonald 1010 North Bancroft Parkway Suite 22 Wilmington, DE 19805 Mary B. Graham Morris Nichols, Arsht & Tunnell 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899

Mary B. Matterer Morris James, LLP 500 Delaware Ave., Ste. 1500 Wilmington, DE 19801-1494

Pamela S. Tikellis Robert J. Kriner, Jr. A. Zachary Naylor Chimicles & Tikellis LLP One Rodney Square P.O. Box 1035 Wilmington, DE 19899

Elizabeth M. McGeever Prickett Jones Elliott, P.A. 1310 King Street Wilmington, DE 19801

Patrick Francis Morris Morris & Morris LLC 4001 Kennett Pike, Suite 300 Wilmington, Delaware 19807

I hereby certify that on April 20, 2007, I sent by electronic mail the foregoing document to the following:

REPRESENTING DIRECT PARTY PLAINTIFFS (C.A. 05-340):

Jeffrey S. Goddess jgoddess@rmgglaw.com

Bruce E. Gerstein bgerstein@garwingerstein.com Barry S. Taus btaus@garwingerstein.com

Adam M. Steinfeld asteinfeld@garwingerstein.com

Daniel Berger danberger@bm.net

Eric L. Cramer ecramer@bm.net

Peter Kohn pkohn@bm.net

Linda P. Nussbaum lnussbaum@cmht.com

Steig D. Olson solson@cmht.com

REPRESENTING WALGREEN, ECKERD, KROGER, MAXI, CVS, RITE AID, ALBERTSON'S, SAFEWAY, HY-VEE AND AMERICAN SALES (C.A. 05-340):

Elizabeth M. McGeever emmcgeever@prickett.com

Scott E. Perwin sperwin@kennynachwalter.com

Joseph T. Lukens jlukens@hangley.com

REPRESENTING PACIFICARE (C.A. 05-340):

Jonathan L. Parshall jonp@msllaw.com

William Christopher Carmody bearmody@susmangodfrey.com

John Turner:

jturner@susmangodfrey.com

Shawn Rabin:

srabin@susmangodfrey.com

Justin Nelson:

jnelson@susmangodfrey.com

Cindy Tijerina:

ctijerina@susmangodfrey.com

Ken Zylstra:

kzylstra@sbclasslaw.com

Lyle Stamps:

lstamps@sbclasslaw.com

Steve Connolly

Sconnolly@abclasslaw.com

Mark Sandman:

mms@rawlingsandassociates.com

Jeffrey Swann:

js5@rawlingsandassociates.com

REPRESENTING INDIRECT PARTY PLAINTIFFS (C.A. 05-360):

Pamela S. Tikellis

Thomas M. Sobol

Patrick E. Cafferty

Jeffrey L. Kodroff

Bernard J. Persky

William C. Carmody

Mike Gottsch

Zach Naylor

Robert Davis

Brian Clobes

Michael Tarringer

Tim Fraser

David Nalven

Greg Matthews

Christopher McDonald

Kellie Safar

Ted Lieverman

Pat Howard

Tricor@chimicles.com

REPRESENTING IMPAX LABORATORIES

(C.A. 03-120):

Mary Matterer

mmatterer@morrisjames.com

John C. Vetter

jvetter@kenyon.com

Asim Bhansali

abhansali@kvn.com

REPRESENTING TEVA PHARMACEUTICALS

(C.A. 02-1512):

Josy W. Ingersoll Bruce M. Gagala

Karen E. Keller

Christopher T. Holding

Ken Cohen Elaine Blais

tricor@ycst.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham

Tricor@mnat.com

William F. Cavanaugh wfcavanaugh@pbwt.com

Chad J. Peterman

cjpeterman@pbwt.com

GAZA@rlf.com

Anne Shea Gaza (#4093)